



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-2867



Steven Schwed
Thunder Well & Pump
PO Box 1321
Merrimack NH 03054

Re: Water Well Contractor License
Pump Installer License

ADMINISTRATIVE ORDER
No. WD 02-03

October 11, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Steven Schwed, pursuant to RSA 482-B:16, I.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal offices at 6 Hazen Drive, Concord, NH.
2. Steven Schwed is an individual doing business as Thunder Well & Pump having a mailing address of 29 Meetinghouse Rd, PO Box 1321, Merrimack, NH 03054.

C. STATEMENT OF FACTS AND LAW

1. RSA 482-B regulates water well contractors and pump installers and establishes the NH Water Well Board ("Board"). Pursuant to rulemaking authority conferred by RSA 482-B:4, the Board has adopted rules to implement this regulatory program (We 100 to 1000, "Water Well Rules"). Under RSA 482-B:8 and RSA 482-B:16, DES has concurrent authority with the Board to enforce RSA 482-B and the Water Well Rules.
2. On July 12, 2001, the Board voted to suspend your water well contractor license for a period of six months, or to refuse renewal of the license in the event that it had not been renewed on the date the action was taken.
3. Your water well contractor license was not renewed prior to July 12, 2001 and the license expired on July 1, 2001. Your pump installer license was also not renewed and expired on July 1 2001.
4. RSA 482-B:5 requires a person to obtain a water well contractor license and a pump installer license before engaging in the business of constructing a well or installing a pump.

5. Steven Schwed d/b/a Thunder Well & Pump is not a licensed water well contractor or a licensed pump installer in the State of New Hampshire.
6. Steven Schwed d/b/a Thunder Well & Pump advertises well construction and pump installations in the 2002 Verizon yellow pages.

D. DETERMINATION OF VIOLATION

1. Steven Schwed d/b/a Thunder Well & Pump violated RSA 482-B:5 by engaging in the business of well construction and pump installation without first having obtained a water well contractor license and a pump installer license.

E. ORDER

Based on the above findings and determination, DES hereby orders, Steven Schwed as follows:

1. Immediately cease and desist from engaging, or offering to engage, in the business of well construction until such time as you have obtained a water well contractor license issued by the Board.
2. Immediately cease and desist from engaging, or offering to engage, in the business of pump installation until such time as you have obtained a pump installer license issued by the Board.
3. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Richard P. Schofield, P.G., Water Well Program Manager / WSEB
DES - Water Division
PO Box 95
Concord, NH 03302-0095
Fax: (603) 271-5171
e-mail: rschofield@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Well Board, by filing an appeal that meets the requirements specified in We 200 within 30 days of the date of this Order. Copies of the rules are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve you of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 482-B:16 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the

Order itself. You remain obligated to comply with all applicable requirements. DES will continue to monitor your compliance with applicable requirements and will take appropriate action if additional violations are discovered.



Harry T. Stewart, P.E., Director
Water Division



George Dana Bisbee, Acting Commissioner
Department of Environmental Services

Certified Mail/RRR #7000 0600 0023 9936 4667

cc: Gretchen C. Rule, DES Legal Unit
DES PIP Office
Anthony P. Giunta, P.G., Administrator, WSEB
Water Well Board
Anne Edwards, Esq. - AGO
Jennifer J. Patterson, Esq. - AGO
Harrison Mackey, Licensing Coordinator